

U.S. Patent Application Serial No. **10/645,561**
Amendment filed November 23, 2005
Reply to OA dated September 30, 2005

REMARKS

Claims 1, 3-4, 6, and 7-8 are pending in this application.

Claims 2 and 5 have been cancelled.

Claims 7 and 8 are new.

Original claims 1, 3-4, and 6 have been amended. The support for the claim amendments is as follows:

- Claim 1 is based on p.1, lines 11-13, p.2, lines 9-10, p.3, line 15 (retaining species of insects, small animals, fish, etc.); p.4, line 7 (U-shaped hitching portions); p.4, lines 8-12 (detachably hitched; elastically deformable holding piece; claw portion); and, p.4, lines 17-23, p.5, lines 1-8, Figs. 3-6 (hitching portions latch onto turnback edge)
- Claim 4 is based on p.1, lines 11-13, p.2, lines 9-10, p.3, line 15 (retaining species of insects, small animals, fish, etc.); Fig. 1 (parallel side walls, open on top); p.4, line 17-18 (turnback edges); p.3, line 18 (ventilation holes); p.3, lines 20-23 (partition plate); and, p.4, lines 17-23, p.5, lines 1-8, Figs. 3-6 (hitching portions latch onto turnback edge)
- Claim 7 is based on p. 4, line 11.
- Claim 8 is based on p.5, lines 6-8.

The applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **September 30, 2005**.

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Claims 1 and 4 are rejected under 35 USC 102(b) as being anticipated by Huhn (USP 5,395,049).

Huhn discloses a container comprising a case, a lid, and a partition plate that detachably attaches along an upper brim of the case by a U-shaped hitching portion. The claimed invention is patentably distinct from **Huhn** because, contrary to the disclosure of **Huhn**, the claimed invention defines a U-shaped hitching portion having an elastically deformable side with a **claw portion**. In the claimed invention, the wedge-shaped claw portion of the U-shaped hitching portions **latch onto the turnback edges** of the upper brim of the front, rear, and lateral side walls of the case main body. In contrast, **Huhn** teaches a U-shaped hitching portion which engages the sidewall “frictionally.” (**Huhn**, column 4, line 48). Without disclosing a U-shaped hitching portion having a claw portion that latches onto the turnback edges of lateral sidewalls, **Huhn** fails to anticipate every element of the claimed invention as recited in amended claims 1 and 4.

It is respectfully requested that the rejection be favorably reconsidered.

Furthermore, **Huhn** does not teach a lid having **ventilation holes**, as recited in amended claim 4. The ventilation holes of the claimed invention function to provide fresh air to the species of insects, small animals, fish, etc., capable of being retained by the case. Without any teachings regarding a lid having ventilation holes, **Huhn** fails to anticipate amended claim 4 because it lacks an element recited in the claim.

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It is respectfully requested that the rejection be favorably reconsidered.

Claims 2, 3, 5, and 6 are rejected under 35 USC 103(a) as being unpatentable over Huhn in view of Ohnstrand (USP 1,036,515).

Claims 2 and 5 have been cancelled. **Huhn** fails to anticipate amended claims 3 and 6, which are dependent on amended base claims 1 and 4, respectively, for the reasons set forth above.

The Examiner concedes that **Huhn** fails to disclose a claw portion. **Ohnstrand** teaches a partition plate having a “guide strip slidably mounted on the turned edge” of lateral side walls of a file drawer. (**Ohnstrand**, column 1, lines 50-51). However, the guide strip (hitching portion) disclosed in **Ohnstrand** **does not have a wedge-shaped claw portion** and an elastically deformable portion that allow the guide strip to **snap onto the turnback edges** of lateral sidewalls, as recited in amended claims 1 and 4. Instead, **Ohnstrand** discloses a guide strip (hitching portion) that attaches to lateral sidewalls by **slidably mounting** on to the turnback edges of the sidewalls of a file drawer. Furthermore, unlike the claimed invention, the guide strip (hitching portion) disclosed by the reference does not attach to the turnback edges directly; instead, **Ohnstrand** teaches a housing that slidably mounts over the turnback edges first, and a guide strip (hitching portion) that slidably mount over the housing. Without any disclosure of a hitching portion having a wedge-shaped claw

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portion, **Huhn** and **Ohnstrand** fail to render obvious the claimed invention as a whole, as defined by amended claims 3 and 6.

It is respectfully requested that the rejection be favorably reconsidered.

In regards to a partition plate having a belt piece portion as defined in amended claims 3 and 6, **Huhn** fails to render obvious the claimed invention as a whole for reasons state above, namely due to the lack of the elements of a claw portion and ventilation holes.

It is respectfully requested that the rejection be favorably reconsidered.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

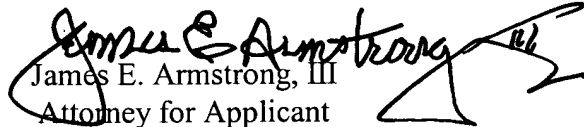
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

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Respectfully submitted,

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Enclosures:

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